

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the	)	DOCKET NO. TE-051140
Proper Carrier Classification of:	)	
	)	ORDER NO. 03
MARK R. OBTINARIO, d/b/a	)	
COWLITZ COACH	)	
	)	ORDER TO CEASE AND DESIST;
	)	COMMISSION DECISION AND
	)	ORDER AFFIRMING INITIAL
	)	ORDER
.....	)	

- 1     **SYNOPSIS:** *The Commission orders Mark R. Obtinario, d/b/a Cowlitz Coach to discontinue any unauthorized charter party or excursion service passenger transportation operations in the State of Washington without obtaining permit authority from the Commission.*
  
- 2     **NATURE OF PROCEEDING:** In this Order the Commission reviews an initial order to determine whether Mark R. Obtinario is operating as a charter party or excursion service for transportation of passengers for compensation in the state of Washington without the necessary permit authority required for such operations by RCW 81.70.220.
  
- 3     **INITIAL ORDER:** An initial order was entered on October 5, 2005,<sup>1</sup> by Administrative Law Judge Theodora M. Mace proposing that the Commission enter a cease and desist order requiring Mark R. Obtinario immediately end operations as a charter party and excursion service passenger carrier without Commission authority.

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<sup>1</sup> A "corrected" initial order was entered on October 14, 2005. Parties were given 20 days from October 14 to file a petition for administrative review.

- 4     **PETITION FOR REVIEW:** No petition for administrative review was filed within the 20 days allowed by rule for filing. The Commission has reviewed the proposed order and the evidence of record and believes that the findings, the conclusions, and the order are consistent with the record, which demonstrates operations without possession of required authority.<sup>2</sup> In accordance with RCW 34.05.464 and WAC 480-09-780(6), the Commission accepts the findings of fact and conclusions of law, and adopts the Initial Order as its own, for purposes of this proceeding.

**ORDER**

THE COMMISSION ORDERS That:

- 5     The Commission affirms and adopts the Initial Order in this docket for purposes of this proceeding. In so doing,

THE COMMISSION FURTHER ORDERS That:

- 6     Mark R. Obtinario d/b/a Cowlitz Coach must cease and desist from conducting unauthorized charter party and excursion service passenger transportation in the state of Washington until the required authority is obtained from the Commission.

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<sup>2</sup> This order does not impose a penalty for the operations conducted without authority. The Commission assessed a penalty against the carrier in Docket No. TE-051086 for such operations. Records show that the carrier did not request a hearing on the penalty assessment, which corroborates the factual findings of the initial order regarding the violation.

DATED at Olympia, Washington, and effective this 13th day of December, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

**NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.**